

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ENCARNACION AGUILAR,  
Petitioner,  
vs.  
D.W. NEVEN, *et al.*,  
Respondents.

2:06-CV-01278-JCM-RJJ

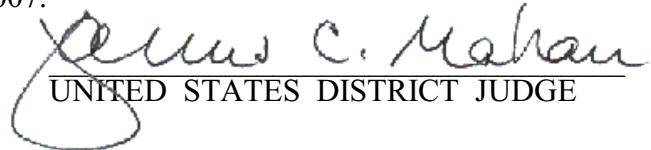
## ORDER

17 Petitioner has filed two motions seeking the appointment of counsel. (Docket #6 and  
18 #17). There is no constitutional right to appointed counsel for a federal habeas corpus proceeding.  
19 *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.  
20 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191,  
21 1196 (9th Cir. 1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th  
22 Cir.), cert. denied, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of  
23 the case are such that denial of counsel would amount to a denial of due process, and where the  
24 petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See  
25 *Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). The claims in  
26 this case are not especially complex. Also, the Court notes from the petition, amended petition, and

1 other documents that petitioner has submitted to the Court, that petitioner is able to present matters  
2 to the Court in an organized and understandable manner. Petitioner's motions for the appointment of  
3 counsel are denied.

4 **IT IS THEREFORE ORDERED** that petitioner's motions for the appointment of  
5 counsel (Docket #6 and #17) are **DENIED**.

6 Dated this 3rd day of August, 2007.

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